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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,519	02/17/1999	STEVEN BATHICHE	M61.12-0101	3331

7590

09/11/2002

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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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AG

Office Action Summary

Application No.

09/251,519

Applicant(s)

BATHICHE ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20,22 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US 5,838,304) in view of Willner et al (US 5,874,906).

As to independent claim 1, Hall discloses a method preparing a data packet indicative of operator manipulation of a hand held computer input device (col. 2, lines 14-29,), comprising, receiving information indicative of a physical orientation of the computer input device (col. 2, lines 14-54); receiving information indicative of a configuration of a multiple switch device located on the computer input device and having at least two degrees of motional freedom (col. 2, lines 14-54).

Hall does not disclose where the device is that of a multiple switch. Willner et al disclose in col. 4, lines 20-25 and in Fig. 1, items 110 and 112, multiple switch assemblies known as D-pads. It would have been obvious to combine the systems of Hall with that of Willner et al as they both disclose input devices. Hall discloses packet based mouse data protocol. It would have been obvious to one of ordinary skill in the art that the mouse of Hall could have been

incorporated with multiple switches of Willner et al as Hall discloses in col. 1, lines 35-37 where the mouse is provided with one or more switches.

As to independent claim 16, see claim 1, above.

As to independent claim 20, limitations of claims 1 and 13, above as taught by Barnes et al and further comprising a first housing portion (Fig. 3a, item 37), a first extending handle, coupled to and extending away from the first housing portion (shown in Fig. 3a, the extension to the left), a second extending handle (shown in Fig. 3a, the extension to the right).

As to independent claim 23, limitations of claim 1, and further comprising, receiving mode information, col. 2, lines 14-54, and controlling the display device such that an object being displayed on the visual display device assumes a visual orientation corresponding to one of, the physical orientation of the computer input device as indicated by the orientation information and the configuration of the multiple switch device as indicated by the switch information, based on selected mode as shown in col. 2, lines 14-54 Hall discloses two different types received whether it is physical movement or depressing the switches .

As to dependent claim 2, see claims 1 and 23, above.

As to dependent claim 3, limitations of claim 2, and further comprising, placing orientation indicative of the physical orientation of the computer input device in the orientation field when the selected mode is a first selected mode, and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device, col. 2, lines 14-54.

As to dependent claim 4, limitations of claim 3, and further comprising, selecting a predetermined orientation value from a plurality of predetermined orientation values based on the configuration of the multiple switch device (col. 2, lines 30-54).

As to dependent claim 5, limitations of claim 3, and further comprising, placing predetermined switch configuration data in the multiple switch field when the selected mode is the second selected mode as shown in col. 2, lines 30-54.

As to dependent claim 6, limitations of claim 5, and further comprising, the predetermined switch configuration data corresponds to depression of no switches in the multiple switch device as Hall discloses in col. 2, lines 14-29 where the configuration corresponds to the movement of the mouse and not the depression of the switches.

As to dependent claims 7, 8 and 9, limitations of claim 2, and further comprising, the step of placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer input device, or is performed on the computer, or performed on the computer by the input device (col. 2, lines 14-29).

As to dependent claim 10, see claims 1 and 3, above.

As to dependent claim 11, limitations of claim 10, and further comprising, replacing the orientation information in the orientation field with a predetermined orientation value, when the selected mode is a second selected mode as shown in col. 2, lines 30-54.

As to dependent claim 12, limitations of claim 11, and further comprising, placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer by the input driver by replacing the switch information in the multiple switch field with a predetermined value when the selected mode is the second mode as shown in col. 2, lines 14-54.

As to dependent claims 13 and 17, limitations of claims 1 and 16, and further comprising, a rotation field containing rotation information indicative of rotation of a rotatable member. Hall does not disclose a rotatable member. Willner et al disclose in col. 4, lines 20-25 and in Fig. 1, items 110 and 112, multi-directional switch assemblies known as D-pads which are rotatable. It would have been obvious to combine the systems of Hall with that of Willner et al as they both

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disclose input devices. Hall discloses packet based mouse data protocol. It would have been obvious to one of ordinary skill in the art that the mouse of Hall could have been incorporated with multiple switches of Willner et al as Hall discloses in col. 1, lines 35-37 where the mouse is provided with one or more switches.

As to dependent claim 18, see claim 15, above.

As to dependent claim 19, see claims 1, 3, 13 and 16, above.

As to dependent claim 22, see claim 3, above.

As to dependent claim 14, see limitations of claims 1 and 13, above.

As to dependent claim 15, limitations of claim 14, and further comprising, receiving button information indicative of depression of a plurality of buttons on the computer device and placing data in a button field in the data packet based on the button information as shown in col. 2, lines 14-29.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Examiner has withdrawn the finality of the Office Action dated September 17, 2001. See new rejection above.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575.


The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the
organization where this application or proceeding is assigned are 703 872 9314 for regular
communications and 703 308 9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
September 8, 2002


CHANH NGUYEN
PRIMARY EXAMINER